

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHNNY WILLIAM JOHNSON, III,

Petitioner,

v.

WARDEN GITTERE, et al.,

Respondents.

Case No. 3:18-cv-00496-LRH-WGC

ORDER

This is a habeas corpus action under 28 U.S.C. § 2254. The court found that petitioner had not exhausted his state-court remedies for some of his grounds for relief. ECF No. 32. In response, petitioner has filed a declaration stating that he wishes to dismiss this action while he exhausts his grounds for relief in state court. ECF No. 33. The court will grant his request and dismiss the action without prejudice. However, the court makes no statement about any procedural default or timeliness issues that might arise if and when petitioner commences a new habeas corpus action in this court.

Petitioner also has sent the court a letter asking for a copy of his motion to submit newly discovered evidence. The court will send him a copy.

Reasonable jurists would not find the court's decision to be debatable or wrong, and the court will not issue a certificate of appealability.


IT THEREFORE IS ORDERED that the clerk of the court send petitioner a copy of his motion to submit newly discovered evidence (ECF No. 27).

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1 IT FURTHER IS ORDERED that this action is **DISMISSED** without prejudice upon
2 petitioner's request (ECF No. 33). The clerk of the court will enter judgment accordingly and
3 close this action.

4 IT FURTHER IS ORDERED that a certificate of appealability will not issue.

5 DATED this 11th day of May, 2020.

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7 LARRY R. HICKS
8 UNITED STATES DISTRICT JUDGE
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